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The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, FRIDAY, MAY 10, 1907.

NOTIFICATION.

No. 4130, *dated* 10*th May* 1907.

SALE OF SEPARATE ARRACK SHOPS FOR 1907-08.

1. Notice is hereby given that the exclusive right of selling arrack in each of the scheduled shops for the twelve months beginning with 1st July 1907 and ending with 30th June 1908, will be put up to public auction at upset prices, by the respective Deputy Commissioners or by Revenue Assistant Commissioners or by Divisional Officers of the Excise Department or other Officers specially authorized by the Deputy Commissioners for the purpose, on the dates and at the Taluk Head-quarters or other places mentioned below, subject to the conditions hereinafter set forth. If the sales are not completed on abovenamed days, they will be continued on the next following days (close holidays excepted).

2. (*a*) Each bidder at the auction will deposit a sum of Rs. 60 for shops in the Kolar Gold Fields, Rs. 25 for those in the Mysore and Bangalore Cities and Rs. 10 for those in other places, or such other reasonable amount as may be fixed by the officer conducting the sale, previous to bidding. It will, if offered, be received at any time within three days prior to the date of sale, provided that the Government may, at any time, dispense with such initial deposit. The deposits made by unsuccessful bidders, if not forfeited as hereinafter provided, will be returned at the close of the sale. The shops or group of shops will be knocked down to the approved highest bidder, subject to formal confirmation by the Deputy Commissioner, who will be at liberty to accept or reject any bid at his discretion without assigning reasons for the same. Such formal confirmation will, *unless revised by Government for special reasons*, be tantamount to an acceptance of the bid and will be necessary whether the sale be held by the Deputy Commissioner himself or by any other officer appointed by him. Parties intending to bid must attend either in person or by duly accredited agents. Should there be no bid above the upset price, for any shop singly, the officer conducting the sale may, in consultation with the Excise Divisional Officer, if present, club together more than one shop but not more than two in the District Head-quarter taluks and Kolar Gold Fields and six in other places or, if necessary, reserve shops for which there may be no bids, for disposal hereafter. He may, subject to formal confirmation of the Deputy Commissioner, sell the right in any particular case by means of tenders or by private negotiation. He may also lower the upset price at his discretion. The officer conducting the sale may at his discretion, and without assigning any reason, refuse to accept the bid of any person, on the ground that he has been convicted by a criminal court of such an offence, or has been guilty of such breach of the conditions of the license, or of a contract under the Excise Regulation or Opium Act, as to render him undesirable as a

holder of a license, or on the ground that he is insolvent, or in order to prevent arrangements to the detriment of Government interests, or for any other valid reason.

(*b*) No shop shall be knocked down in the name of more than one person or of more than one company or firm duly represented. The selling officer shall refuse to register as a purchaser any one in whose name the bidding has not proceeded.

3. (*a*) The successful bidder shall, on the exclusive privilege being knocked down to him, at once, if so required by the selling officer, or otherwise at the close of the day's sale, further deposit a sum equal to one-twenty-fourth part of his bid for the year, that is to say, one-half of the monthly rent, unless the initial deposit equals or exceeds two months' rent. Should he fail to do so, the deposit, if any, made by him under clause 2 (*a*) will be forfeited, and the privilege will be sold again on the above conditions, or otherwise disposed of at his risk, as the Deputy Commissioner or selling officer may determine.

(*b*) The person to whom a shop or group of shops has been knocked down and who has made deposits as provided above, shall be required to leave his address with the selling officer, in order that the confirmation of the sale may be communicated to that address by a notice, and he shall, within seven days after the service of the said notice by its presentation to himself or to any adult male member of his family at the place of said address or by its being affixed thereto or by its forwardal duly registered by post, pay at the Taluk Treasury concerned, such further sum as, with the former deposits, will make up an aggregate sum equal to two months' rent, and execute at the same time before the Amildar the necessary engagements and take out the necessary licenses, as hereinafter set forth.

4. (*a*) The deposit made under the preceding para shall be either in cash or in Government of India securities duly endorsed in favor of the Deputy Commissioner, provided that in cases where the monthly rent exceeds Rs. 10 in lieu of a deposit of two months' rent as above, the Deputy Commissioner may, in his discretion, allow any purchaser to deposit one month's rent as above, and to furnish approved personal security for an amount equal to four months' rent. In all cases where the monthly rent does not exceed Rs. 10, a cash deposit equal to two months' rent shall invariably be taken, and no personal security shall be accepted. If, on enquiry subsequent to sale, the purchaser shall be found to be a foreigner having no property in the Mysore State, or to be of doubtful solvency, he may be required to deposit twice the prescribed sum or to get a surety or sureties, residents of and possessing property in the Mysore State, to execute a security bond for the due payment of *all moneys* that may become due by him under the terms of the contract.

(*b*) Should the initial deposit exceed the sum required to be deposited under clause 3(*b*) or clause 4 (*a*), the excess will be refunded to the purchaser.

5. The purchaser shall execute an agreement in the prescribed form, binding himself and, unless exempted by the Deputy Commissioner by an order duly recorded, so much of his movable and immovable property as may be deemed sufficient by the Deputy Commissioner, to observe the conditions hereinafter set forth, as well as those specified in the license to be issued to him; and his surety or sureties, if any have been accepted, shall also execute a bond in the prescribed form binding himself or themselves and so much of his or their movable or immovable property as may be deemed sufficient by the Deputy Commissioner for the due fulfilmen- by the purchaser of the terms of the agreement. The agreement and the bond so executed shall be stamped at the expense of the purchaser. They shall also be registered at his expense when the amount secured is Rs. 100 and above.

6. If default is made in making the deposit or deposits or in executing the agreement or the security bond, if any, and in taking out licenses as aforesaid, the exclusive privilege shall be forthwith re-sold or otherwise disposed of by the Deputy Commissioner at the risk of the first purchaser, who shall forfeit to the Government any deposit or deposits already made by him, and shall further be liable to make good any loss caused by such re-sale or other disposal. He shall not be entitled to any gain accruing from the re-sale or other disposal, and he shall be debarred from bidding again for the same or for any other shop or group of shops. In the case of loss the forfeited deposits will be deducted from it and the remainder, if any, shall be recovered as if it were an arrear of land revenue. In the case of the purchaser's death after the confirmation of the sale, it will be binding on his heirs or assigns.

7. Re-sales or other disposal effected under para 6 will be at the risk of the defaulting bidder, who shall forfeit all gain; and in the event of a loss caused by re-sale or other disposal he shall make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale or other disposal. In the latter case, the forfeited deposit shall be deducted from the loss arising from the re-sale or other disposal, and the remainder, if any, shall be recovered from the defaulter in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposit be greater than the loss by re-sale, the whole of such deposit shall be credited to Government.

8. Schedules showing the amount of rental, the consumption of arrack in each shop, etc., during past years will be separately issued and may be had on application to Amildars, Excise Divisional Officers, Inspectors and Assistant Inspectors.

9. The license to be taken out under para 3 (*b*) above, shall be subject to the following conditions but nothing herein contained shall exempt the purchaser of the privilege from liability to the penalties prescribed for breaches of the conditions set forth below though a formal license may not have been issued :—

(1) The amount for which the privilege has been purchased shall, if it exceeds Rs. 12 per annum, be payable into the local Taluk Treasury in equal monthly instalments commencing from July 1907. But where it does not exceed Rs. 12 per annum, it shall be paid quarterly in not more than three equal instalments. Each instalment shall be regarded as the rent for the month or quarter in respect of which it is payable. The licensee is not required to make any additional payment on account of local cess. Each month's or quarter's rent shall be payable on or before the 20th of the same month, or before the end of the quarter for which the instalment is due. If default is made, the Amildar may, with the sanction of the Deputy Commissioner, suspend, or declare by record in writing that the license is forfeited, and proceed to re-sell or otherwise dispose of the shop or group of shops as soon after the last day of the month or quarter as may be possible with effect from the date of issue of license to the new purchaser or from the date of other disposal. The officer who has power to suspend license may, however, at his discretion, allow sales to continue pending re-sale of other disposal of the privilege.

Note.—The licensee of a Jatra shop shall pay the rent thereof in full before the Jatra begins.

(2) The deposit made by the licensee shall be taken as security for the due performance of the conditions of the license and if not forfeited, credited or otherwise disposed of, shall be credited in payment of the instalments due in the last two months of the period of the lease. Provided, however, that where the shop or group of shops is re-sold or otherwise disposed of, the deposit shall, at the discretion of the Deputy Commissioner, be either forfeited or be appropriated towards the arrears due by the defaulter as well as towards the deficits, if any, arising from the re-sale or other disposal of the shop or group of shops. The balance of such arrears and deficits, if any, shall be recoverable from the licensee under the rules in force for the recovery of arrears of land revenue. No remission or abatement of the rent or compensation shall, on any account whatever, be claimable by the licensee.

(3) Interest at 6 per cent per annum shall be recoverable on all arrears from the date of default, and on deficits from the date of re-sale.

(4) The privilege conferred by the license extends only to the sale of arrack ordinarily of the strength of 20° under-proof and with the special permission of the Deputy Commissioner or other officer authorized by him to the sale of arrack of 30° U. P. In places where there are no shops for the vend of foreign liquors or where the foreign liquor shop-keepers do not undertake to sell double-distilled or rectified country spirits and special liquors such as Brandy, Whisky, Gin, etc., of such strength as may be fixed by the Excise Commissioner, manufactured at the Government Central Distillery, Bangalore, the holder of arrack shop license of approved character may, with the sanction of the Excise Commissioner, be permitted to sell the same in duly corked sealed bottles not to be drunk on the premises, at such prices as may be fixed by the Excise Commissioner, and subject to conditions otherwise applicable to the sale of arrack.

(5) The lease shall not be transferable by sale, gift or otherwise or be sub-rented except with the permission of the Excise Commissioner, nor, if the Deputy Commissioner so orders, may any agent be appointed for the management of any privilege without his previous approval. All engagements entered into by the agent shall be deposited with the Deputy Commissioner within one month from the date of execution.

(6) Application for resignation of shop or group of shops will be summarily rejected by the Deputy Commissioner.

(7) The manufacturers of arrack or double-distilled or rectified country spirits or other special liquors as well as the licensees of arrack Bonded Depôts are prohibited from holding any interest in the retail vend of the above-mentioned spirits or from employing any person who has such interest.

(8) The sale or transport of arrack by persons suffering from leprosy or any contagious disease and the employment of such persons in the shop are prohibited.

(9) The license-holder shall purchase from the Bonded Depôts established palmyra jaggery and molasses arrack at Re. 0-10-11 per gallon of 20° under-proof, sugarcane jaggery arrack in duly corked sealed bottles at Rs. 1-6-5 per gallon and also special liquors referred to above, at such prices as may be fixed by the manufacturers.

(10) The licensee shall sell palmyra jaggory and molasses arrack to the public at Rs. 6-6-0 per gallon of 20° under proof (*i.e.*, at annas two per dram which is equal to 1—51st part of a gallon) and sugar-cane jaggory arrack at Rs. 1-3-10 per reputed quart bottle and at proportionate rates for lower strengths.

(11) The licensee of every shop in the Cities of Bangalore and Mysore shall pay a registration fee under the Municipal Regulations at the rate of rupees (180) one hundred and eighty per annum in advance for the period of the license for his shop, and he shall pay a surcharge of (4) four annas per gallon on all arrack sold by him in excess of 55 gallons a month in each such shop.

(12) The above rates to be charged for palmyra jaggory and molasses arrack, sugar-cane jaggory arrack, double distilled or rectified country spirits or other special liquors by the manufacturers. and the above fees are in addition to excise duty, which shall be prepaid at the prescribed rate of Rs. 4-12-0 (including local cess) per gallon of 20° U. P. and proportionately for higher or lower strengths, before the removal of the liquor from a Bonded Depôt established under the sanction of Government.

(13) The licensee shall pay the above duty and price into a Taluk Treasury or to a special shroff, if any, appointed on this behalf at the cost of Government, and located at the Taluk Cutcherry to receive such duty and price *daily* including Sundays and holidays or to such other officer as may be appointed by the Deputy Commissioner, and shall obtain a receipt in the prescribed printed form. On production of such receipt and an indent for the supply of the liquor covered by the receipt, the Bonded Depôt-keeper shall issue the quantity of liquor equal to the amount of duty and price shown in the said receipt which will be forwarded to the Excise Commissioner's office under the endorsement of the Bonded Depôt-keeper aforesaid, as to the date and hour when the liquor was issued. The Depôt-keeper aforesaid shall issue a pass in the prescribed form for the transport of liquor from the Bonded Depôt. He shall also issue sample bottles with the consignments in such manner as may be ordered by the Excise Commissioner.

(14) The licensee shall be bound to take over any liquor which may remain as stock in hand belonging to the out-going licensee on 1st July 1907, in the shop, paying him such compensation for the same as may be fixed by the Excise Commissioner.

(15) The licensee shall possess or use on any licensed premises only such standard measure as may, from time to time, be prescribed by the Excise Commissioner. The officers authorized to inspect licensed shops are empowered to enter and examine the premises, to test the measures in use and the liquor under sale and to call for and check the accounts kept in the shops.

(16) The licensee shall be bound by the provisions of the Excise Laws and rules in force and by any additional rules which may, from time to time, be prescribed under the Excise Laws, and if so required, deliver up his license for amendment or issue of a fresh one.

(17) The Deputy Commissioner may, whenever he thinks fit, direct shops to be closed, or permit transfer of shops from one place to another, provided the distance is not more than 200 yards, or direct new shops to be opened with the previous sanction of the Excise Commissioner.

(18) Persons who purchase group of shops may, with the special permission of the Excise Commissioner, who is at liberty to refuse it, and under a license by a competent authority, open a depôt and remove thereto liquor purchased from the Bonded Depôt and issue therefrom the requisite supply to their shops.

(19) The licensee of shop or group of shops shall not, during the term of the license, have any interest in the exclusive privilege of vending toddy or foreign spirits or liquors or both within 5 miles from it, nor permit any person having interest in the exclusive privilege of vending toddy or foreign spirits or liquor or both within the said area, to hold any share or interest in his exclusive privilege of selling country liquor; nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any arrack farm in any districts of the Madras or Bombay Presidency under the British Government or any other Foreign State or Territory, or Civil and Military Station, Bangalore.

(20) An Inspection note book with the pages numbered consecutively for inspecting officers to enter their remarks shall be maintained and be handed over to the Excise Inspector in charge of the Range or any officer authorized by him to receive it on a receipt being given therefor.

(21) If the licensee shall be convicted on prosecution before a Magistrate of any offence against the Excise Regulation, or Opium Act or other law for the time being in force, which in the Deputy Commissioner's opinion renders him unfit to hold the

license, it shall be lawful for the Deputy Commissioner to declare his license forfeited and sell or otherwise dispose of the privilege at the risk of the licensee.

(22) All sums payable by the licensee may be deducted from the amount of his deposit or recovered by attachment and sale of the property of the licensee or his surety, under any law for the time being in force for the recovery of arrears of land revenue.

(23) The license-holder or vendor or vendors shall not sell nor give any arrack exceeding one reputed quart to any individual to convey out of any licensed shop or premises without a valid permit.

(24) The shop-keepers shall not sell or give any arrack to any European non-commissioned officer, private or soldier, or to any European or Eurasian camp follower, or to any member of the families of any of the aforesaid persons, without the permission in writing of the Commanding Officer or of some person duly authorized by him in that behalf; nor to any European sailor, nor to any sepoy, member of the Police force or Excise staff or servant of a Railway Company, whilst on duty; nor to any European vagrant under escort of Police; nor to any child under fourteen years of age; nor to any insane person for consumption on the premises; nor shall they sell any arrack on credit.

(25) They (license-holder or vendor or vendors) shall not receive any articles whatsoever in barter or pledge. Payment for arrack shall be received by them in ready money only, and they shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police Officer. They shall have no pecuniary dealings with any Excise Officer.

(26) The arrack kept in his shop, offered for sale and sold, shall be unadulterated and undiluted; and it shall be of the same quality and strength as issued from the Bonded Depôt. With all consignments from the Depôt to the shop, sample bottles shall be taken in such manner as may be ordered by the Excise Commissioner.

(27) No consignments of arrack received at the shop, and which have been transported through British Territory, shall be opened before they have been verified by the officers authorized to do so.

(28) No water or other beverage, or liquor other than arrack of any quantity whatever shall be kept or sold in the shop in which arrack is sold, or on the person or in possession of the license-holder or vendor or any of his employees in the shop. No ingredients noxious to health shall be added to it either to increase its intoxicating power or for any other purpose. All officers authorized to inspect shops and depôts are empowered to detain any liquor found unfit for consumption or use and the Excise Commissioner, all Deputy Commissioners, Deputy Excise Commissioner and Excise Assistant Commissioners are authorized to destroy such liquor.

(29) No robbers or thieves or disorderly or riotous persons or prostitutes or soldiers or others known or believed to be deserters shall be harboured in the shop, and gaming, disorderly conduct, etc., therein shall be prevented, and information of their resort shall be given to the nearest Magistrate or Police Officer. No person shall be harboured during night in any shop.

(30) The license-holder shall fix in a conspicuous place outside of his shop a board on which shall be legibly printed in local vernacular his name and the number of his license and the articles he is licensed to deal in and the current rate of sale; the license must be hung up in a conspicuous place within.

(31) True account of receipts and issues of liquor shall be maintained from day to day in ink in the prescribed form. The accounts and permits shall be in printed books which may be obtained from local Excise Officers on payment of cost price. Permits for liquor received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved and delivered to the local Excise Officer immediately after the close of the lease. They shall be produced when asked for by the Deputy Commissioner or any officer appointed by him or by an Excise Officer not below the rank of Excise Assistant Inspector. The licensee shall be bound to furnish such returns and information as may, from time to time, be required by the Deputy Commissioner or Excise Officer not below the rank of Excise Assistant Inspector.

(32) The amount of fees payable for the shops under Condition (11) above, shall, in the Towns of Bangalore and Mysore, be paid to the officers appointed by the President, Municipal Commission, to receive the same.